

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JMH 300 DOE
[REDACTED]

Buffalo, New York 14218

Plaintiff,

SUMMONS

vs.

THE DIOCESE OF BUFFALO, N.Y.
795 Main Street
Buffalo, New York 14203

Index No:
Filed in the Erie
County Clerk's
Office on.: _____

Defendant.

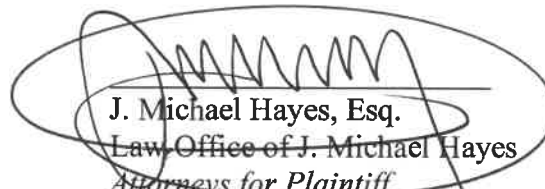
TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

DATED: BUFFALO, NEW YORK
October 25, 2019

Yours Respectfully,


J. Michael Hayes, Esq.
Law Office of J. Michael Hayes
Attorneys for Plaintiff
Office and P.O. Address:
69 Delaware Avenue, Suite 1111
Buffalo, New York 14202
Telephone: (716) 852-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JMH 300 DOE,

Plaintiff,

vs.

THE DIOCESE OF BUFFALO, N.Y.,

Defendant.

**COMPLAINT
JURY TRIAL
DEMANDED**

Index No.:

The Plaintiff, JMH 300 DOE, by his attorney, J. MICHAEL HAYES, ESQ. for his complaint against the Defendant, THE DIOCESE OF BUFFALO, N.Y., herein alleges:

PARTIES

1. Presently and at all times herein mentioned, Plaintiff, JMH 300 DOE, is a resident of the County of Erie and State of New York.

2. Upon information and belief, presently and at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., is a domestic religious corporation authorized and existing by virtue of Article 5 of the Religious Corporation Law of the State of New York with offices for the transaction of business located in the City of Buffalo, County of Erie and State of New York.

3. Plaintiff asserts trial preference pursuant to CPLR 3403(a)(7), as added by Section 4 of the Child Victims Act.

JURISDICTION

4. This Court has jurisdiction pursuant to CPLR 301 as Defendant's principal place of business is in Erie County, New York.

5. Venue is proper pursuant to CPLR 503 as Plaintiff's residence is in Erie County. Additionally, Defendant's principal place of business is in Erie County.

FACTS COMMON TO ALL CLAIMS

6. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., owned St. John the Evangelist Roman Catholic Church ("St. John the Evangelist Church"), located at 2319 Seneca Street, Buffalo, New York 14210.

7. Upon information and belief, at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., by and through the Bishop of THE DIOCESE OF BUFFALO, N.Y., managed, operated and/or controlled the St. John the Evangelist Church, including, *inter alia*, the management and hiring of agents, servants and employees, and controlled and directed employee supervision, employee assignments and employee transfers.

8. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., closed the physical building and operations of St. John the Evangelist Church in or about 2009.

9. Upon information and belief, St. John the Evangelist Church was absorbed into St. Teresa Roman Catholic Church ("St. Teresa Church") in a *de facto* merger or series of *de facto* mergers.

10. Upon information and belief, St. Teresa Church assumed St. John the Evangelist Church's operations and business with a continuity of management, personnel, and general business operation and continued the missions and ministry of St. John the Evangelist Church.

11. Upon information and belief, at all times herein mentioned, Reverend William F. J. White ("Reverend White") was a Roman Catholic priest and an officer, agent, representative, servant and/or employee of Defendant, THE DIOCESE OF BUFFALO, N.Y.

12. Upon information and belief, at all times herein mentioned, Reverend White under the direction, supervision and/or control of Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees.

13. Upon information and belief, at all times herein mentioned, Reverend White was an officer, agent, representative, servant and/or employee of Defendant, THE DIOCESE OF BUFFALO, N.Y., at St. James Church in or around the mid- and late-1960s and thereafter.

14. Upon information and belief, at all times herein mentioned, Reverend White was acting within the scope of his agency, servitude and/or employment with Defendant, THE DIOCESE OF BUFFALO, N.Y.

15. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., through its officer, agent, representative, servant and/or employee Reverend White, sexually molested infant Plaintiff, JMH 300 DOE in or around the mid- and late-1960s and thereafter.

16. Upon information and belief, Reverend White was a serial pedophile.

17. Upon information and belief, Reverend White died in or around 2016.

18. Upon information and belief, at all times herein mentioned, Reverend Norbert F. Orsolits ("Reverend Orsolits") was a Roman Catholic priest and an officer, agent, representative, servant and/or employee of Defendant, THE DIOCESE OF BUFFALO, N.Y.

19. Upon information and belief, at all times herein mentioned, Reverend Orsolits was under the direction, supervision and/or control of Defendant, THE DIOCESE OF BUFFALO, N.Y. its Bishop(s), officers, agents, representatives, servants and/or employees.

20. Upon information and belief, at all times herein mentioned, Reverend Orsolits was an officer, agent, representative, servant and/or employee of Defendant, THE DIOCESE OF BUFFALO, N.Y., at St. James Church in or around the mid- and late-1960s and thereafter.

21. Upon information and belief, at all times herein mentioned, Reverend Orsolits was acting within the scope of his agency, servitude and/or employment with Defendant, THE DIOCESE OF BUFFALO, N.Y.

22. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., through its officer, agent, representative, servant and/or employee Reverend Orsolits, sexually molested infant Plaintiff, JMH 300 DOE in or around the mid- and late-1960s and thereafter.

23. Upon information and belief, Reverend Orsolits was and is a serial pedophile.

24. Upon information and belief, at all times herein mentioned, Reverend White was working at and/or for St. John the Evangelist Church in or around the mid- and late-1960s.

25. Upon information and belief, at all times herein mentioned, Reverend Orsolits was working at and/or for St. John the Evangelist Church in or around the mid- and late-1960s.

26. Plaintiff, JMH 300 DOE, was under eighteen (18) years of age at all relevant times mentioned herein.

27. Upon information and belief, Plaintiff was a parishioner in or around the mid- and late-1960s at St. John the Evangelist Church, a church within and under the auspices of Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees.

28. Upon information and belief, Reverend White was put into direct contact with infant Plaintiff through his positions at, within, or for the Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees.

29. Upon information and belief, Reverend Orsolits was put into direct contact with infant Plaintiff through his positions at, within, or for the Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees.

30. Upon information and belief, Defendant, by and through Reverend White, provided Plaintiff, JMH 300 DOE, with financial support, including the purchase of a vehicle and college tuition, arranged through the assistance and contributions of a private individual.

31. Upon information and belief, Defendant, by and through Reverend Orsolits, provided Plaintiff, JMH 300 DOE, with financial support, including the purchase of a vehicle and college tuition, arranged through the assistance and contributions of a private individual.

32. Upon information and belief, the Defendant, by and through Reverend White, did provide Plaintiff with financial support for the purposes lowering his resistances to sexual molestation and in an attempt to keep Plaintiff from disclosing the Reverend's inappropriate sexual contact with him.

33. Upon information and belief, the Defendant, by and through Reverend Orsolits, did provide Plaintiff with financial support for the purposes lowering his resistances to sexual molestation and in an attempt to keep Plaintiff from disclosing the Reverend's inappropriate sexual contact with him.

34. Upon information and belief, the Defendant, by and through Reverend White, did provide Plaintiff, JMH 300 DOE, with drugs for the purposes of incapacitating him and lowering his resistances to sexual molestation.

35. Upon information and belief, the Defendant, by and through Reverend Orsolits, did provide Plaintiff, JMH 300 DOE, with drugs for the purposes of incapacitating him and lowering his resistances to sexual molestation.

36. Upon information and belief, it was under such circumstances that infant Plaintiff, JMH 300 DOE, came to be under the direction and control of Reverend White, who used his position of authority and trust over Plaintiff to sexually abuse, harass and molest him.

37. Upon information and belief, it was under such circumstances that infant Plaintiff, JMH 300 DOE, came to be under the direction and control of Reverend Orsolits, who used his position of authority and trust over Plaintiff to sexually abuse, harass and molest him.

38. Upon information and belief, on or about June 14 and 15, 1967, Reverend White, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, did sexually assault, abuse and/or had sexual contact with infant Plaintiff.

39. Upon information and belief, on or about June 14 and 15, 1967, Reverend Orsolits, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, did sexually assault, abuse and/or had sexual contact with infant Plaintiff.

40. Upon information and belief, Reverend White, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, continued to sexually assault, abuse and/or have sexual contact with infant Plaintiff over the course of the next two years.

41. Upon information and belief, Reverend Orsolits, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, continued to sexually assault, abuse and/or have sexual contact with infant Plaintiff over the course of the next two years.

42. Reverend White did have bodily contact and touching of the infant Plaintiff, JMH 300 DOE, including committing oral and anal intercourse on Plaintiff.

43. Reverend Orsolits did have bodily contact and touching of the infant Plaintiff, JMH 300 DOE, including committing oral and anal intercourse on Plaintiff.

44. Upon information and belief, Reverend White's contact with Plaintiff, JMH 300 DOE, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation.

45. Upon information and belief, Reverend Orsolits's contact with Plaintiff, JMH 300 DOE, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation.

46. Upon information and belief, Reverend White intended to make such physical and sexual contact without the consent of infant Plaintiff, JMH 300 DOE, and did make such contact without infant Plaintiff's consent.

47. Upon information and belief, Reverend Orsolits intended to make such physical and sexual contact without the consent of infant Plaintiff, JMH 300 DOE, and did make such contact without infant Plaintiff's consent.

48. Plaintiff, JMH 300 DOE, was unable to give consent to engage in Reverend White's sexual conduct with Plaintiff, as Plaintiff was a minor at all relevant times.

49. Plaintiff, JMH 300 DOE, was unable to give consent to engage in Reverend Orsolits's sexual conduct with Plaintiff, as Plaintiff was a minor at all relevant times.

50. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, knew, reasonably should have known, knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Reverend White and his proclivities toward molestation and sexual assault of young children.

51. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, knew, reasonably should have known, knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Reverend Orsolits and his proclivities toward molestation and sexual assault of young children.

52. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, had the duty and responsibility to monitor, supervise, direct and/or control priests serving at St. John the Evangelist Church.

53. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, had a duty not to aid pedophiles, by assigning, maintaining and/or appointing them to positions with access to minors.

54. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, violated its duty to the public generally and minors specifically, including infant Plaintiff, JMH 300 DOE, by knowingly exposing them to sexual predators.

55. Upon information and belief, the actions, behavior, and sexual predation of Reverends Orsolits and White continued and were further concealed by Defendant for a period of at least ten years after infant Plaintiff was molested.

56. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., individually, jointly and/or severally, violated various New York statutes in effect at all relevant times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

57. Plaintiff, JMH 300 DOE, suffered severe personal physical and psychological injuries and damages as a result of the actions of Defendant, THE DIOCESE OF BUFFALO, N.Y., as well as other damages related thereto, as a result of his childhood sexual abuse consistent with offenses as defined by Article 130 of the Penal Law.

58. Plaintiff, JMH 100 DOE, asserts his revival action pursuant to the New York State Child Victims Act, CPLR 214-g.

59. The limitation of liability set forth in CPLR Article 16 is not applicable to the claims of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR 1602.

60. Plaintiff, JMH 300 DOE, demands a jury trial for all claims.

AS AND FOR A FIRST CAUSE OF ACTION

61. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “60” of the Complaint with the same force and effect as fully set forth herein at length.

62. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known, that Reverend White posed a threat of sexual abuse to children.

63. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known, that Reverend Orsolits posed a threat of sexual abuse to children.

64. Upon information and belief, at all times herein mentioned and prior thereto, Reverend White has been accused of sexual abuse of young children by other individuals. *See, e.g., Tatu v. Orsolits, et al.*, Erie County Supreme Court, Index No. 812303/2019; *Haslam v. The Diocese of Buffalo*, Erie County Supreme Court, Index No. 810201/2019.

65. Upon information and belief, at all times herein mentioned and prior thereto, Reverend Orsolits has been accused of sexual abuse of young children by other individuals. *See, e.g., Tatu v. Orsolits, et al.*, Erie County Supreme Court, Index No. 812303/2019; *JMH 100 Doe*

v. Diocese of Buffalo, Erie County Supreme Court, Index No. 811421/2019; *JMH 101 Doe v. Orsolits, et al.*, Erie County Supreme Court, Index No. 811430/2019.

66. Upon information and belief, in a 2018 interview with *The Buffalo News*, Reverend Orsolits admitted to sexually abusing dozens of teenage boys in the 1970s and 1980s.

67. Upon information and belief, Reverend White's abuses began as early as 1962.

68. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew or should have known Reverend White molested or abused at least 10 boys between 1962 and 1994.

69. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, was formally informed of an incident by two Buffalo Police detectives in 1987 in which Reverend White sexually abused two boys on the night of their father's wake.

70. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew of, should have known or had reason to know of Reverend White's abusive behavior prior to his sexual exploitation of Plaintiff.

71. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew of, should have known or had reason to know of Reverend Orsolits's abusive behavior prior to his sexual exploitation of Plaintiff.

72. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, failed to report Reverend White's sexual abuse(s) to civil and criminal authorities.

73. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, failed to report Reverend Orsolits's sexual abuse(s) to civil and criminal authorities.

74. Upon information and belief, if Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, had reported Reverend White's prior sexual abuse(s) to civil and criminal authorities, Plaintiff, JMH 300 DOE, would not have been abused by Reverend White.

75. Upon information and belief, if Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, had reported Reverend Orsolits's prior sexual abuse(s) to civil and criminal authorities, Plaintiff, JMH 300 DOE, would not have been abused by Reverend Orsolits.

76. Upon information and belief, instead of reporting the incidents of sexual misconduct both prior and subsequent to Plaintiff's molestation, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, reassigned Reverend White to different parishes and communities.

77. Upon information and belief, instead of reporting the incidents of sexual misconduct both prior and subsequent to Plaintiff's molestation, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, reassigned Reverend Orsolits to different parishes and communities.

78. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, sent Reverend White for "counseling and treatment" at an out-of-state facility.

79. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, sent Reverend Orsolits for “counseling and treatment” at an out-of-state facility.

80. Upon information and belief, when Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, sent Reverend Orsolits to Southdown Institute, located at 18798 Old Yonge St, Holland Landing, ON L9N 0L1, Canada, for “counseling and treatment”.

81. Upon information and belief, some Catholic priests sent to “counseling and treatment” facilities were sent for “reconditioning” and to “reform” their behavior based on past sexual misconduct with minors, such as with Plaintiff, JMH 300 DOE.

82. Upon information and belief, predatory clergy were sent to the aforementioned out-of-state “counseling and treatment” facilities as a device employed by Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, to literally both cover up clergy abuses of child victims and avoid civil or criminal review and sanctions.

83. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., suspended Reverend White in 1993 after the mother of two victims confronted the Defendant with audio recordings of Reverend White with her children.

84. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant parishioners prior to Reverend White’s contact with Plaintiff, JMH 300 DOE.

85. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant parishioners prior to Reverend Orsolits's contact with Plaintiff, JMH 300 DOE.

86. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend White and other chronic pedophile priests and protected them from prosecution while simultaneously exposing Reverend White and other sexual predators to infants, including Plaintiff, JMH 300 DOE.

87. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend Orsolits and other chronic pedophile priests and protected them from prosecution while simultaneously exposing Reverend Orsolits and other sexual predators to infants, including Plaintiff, JMH 300 DOE.

88. Upon information and belief, the knowledge of Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, of Reverend White's abuses and subsequent continued employment of him allowed Reverend White to continue his crimes and victimization of minors, including the ones perpetrated against Plaintiff, JMH 300 DOE.

89. Upon information and belief, the knowledge of Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, of Reverend Orsolits's abuses and subsequent continued employment of him allowed Reverend

Orsolits to continue his crimes and victimization of minors, including the ones perpetrated against Plaintiff, JMH 300 DOE.

90. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, kept files of priests whom they knew or should have known to have engaged in pedophilia in a secret records depository hidden from outsiders, including employees of Defendant, THE DIOCESE OF BUFFALO, N.Y., as well as parishioners, civil authorities and criminal authorities.

91. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Reverend White's and other priests' criminal predatory abuses.

92. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Reverend Orsolits' and other priests' criminal predatory abuses.

93. Upon information and belief, a former secretary of Bishop Richard Malone, acting as a whistleblower, publicly disclosed personnel files and other documentation detailing predatory behaviors and sex abuse by clergy, some still employed and funded by THE DIOCESE OF BUFFALO, N.Y.

94. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., through its Bishop, had previously only acknowledged accusations against forty-two (42) clergy; the whistleblower's documentation revealed that a truer number of known Diocesan priests accused of abuse as of 2017 was at least two-hundred two (202).

95. Upon information and belief, Reverend White is one of the priests that Defendant, THE DIOCESE OF BUFFALO, N.Y., has known and acknowledged as having engaged in wrongful contact with minors.

96. Upon information and belief, Reverend Orsolits is one of the priests that Defendant, THE DIOCESE OF BUFFALO, N.Y., has known and acknowledged as having engaged in wrongful contact with minors.

97. Upon information and belief, the aforementioned actions of Defendant, THE DIOCESE OF BUFFALO, N.Y., were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 300 DOE.

98. As a result of the foregoing, including the aforementioned negligence, gross negligence, the knowing and intentional retention of known pedophile priests, the intentional concealment of their abuses, the intentional and knowing transfer of priests because of sexual assaults previously committed, Plaintiff, JMH 300 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A SECOND CAUSE OF ACTION

99. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "98" of the Complaint with the same force and effect as fully set forth herein at length.

100. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., through its Bishop(s), officers, agents, representatives, servants and/or employees, negligently

hired, retained, directed, and/or supervised Reverend White when they knew or should have known that he posed a threat of sexual abuse to children.

101. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., through its Bishop(s), officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Reverend Orsolits when they knew or should have known that he posed a threat of sexual abuse to children.

102. Upon information and belief, the sexual abuse of children by adults in the church environment, including extracurricular activities, is and was foreseeable.

103. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, JMH 300 DOE.

104. Upon information and belief, at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, assumed the duty to protect and care for Plaintiff by establishing, staffing, and/or operating St. John the Evangelist Church, encouraging the participation of Plaintiff, and holding out St. John the Evangelist Church as a safe environment for learning and engaging in youth activities.

105. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, caused, permitted and facilitated Reverend White's continued access to children, including Plaintiff, JMH 300 DOE, knowing that Reverend White was a child abuser

and permitting him to continue his molestation practices both before and after the events alleged herein.

106. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, caused, permitted and facilitated Reverend Orsolits's continued access to children, including Plaintiff, JMH 300 DOE, knowing that Reverend Orsolits was a child abuser and permitting him to continue his molestation practices both before and after the events alleged herein.

107. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew of Reverend White's activities and proclivities toward child abuse, covered up his molestations and criminal behaviors, did not provide a safe environment for minor children in their purview, and failed to mitigate or remedy harms done by Reverend White.

108. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew of Reverend Orsolits's activities and proclivities toward child abuse, covered up his molestations and criminal behaviors, did not provide a safe environment for minor children in their purview, and failed to mitigate or remedy harms done by Reverend Orsolits.

109. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, knew and/or should have known that Reverend White and other employees targeted and shared infants for child sexual abuse, failed to stop or report these

crimes and abuses, and/or intentionally withheld information of same from both criminal and civil authorities as well as the victims' families.

110. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, counselors, servants and/or employees, knew and/or should have known that Reverend Orsolits and other employees targeted and shared infants for child sexual abuse, failed to stop or report these crimes and abuses, and/or intentionally withheld information of same from both criminal and civil authorities as well as the victims' families.

111. Upon information and belief, Plaintiff, JMH 300 DOE, has incurred medical expenses for his own care and treatments over the course of his lifetime for harms caused and/or contributed to by the sexual assault perpetrated upon him by Defendant, THE DIOCESE OF BUFFALO, N.Y., through its employee, Reverend White.

112. Upon information and belief, Plaintiff, JMH 300 DOE, has incurred medical expenses for his own care and treatments over the course of his lifetime for harms caused and/or contributed to by the sexual assault perpetrated upon him by Defendant, THE DIOCESE OF BUFFALO, N.Y., through its employee, Reverend Orsolits.

113. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, was put on notice of Reverend White's improper and inappropriate actions with other minor children, and knew or should have known of Reverend White's improper and inappropriate actions with Plaintiff, JMH 300 DOE.

114. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, was put on notice of

Reverend Orsolits's improper and inappropriate actions with other minor children, and knew or should have known of Reverend Orsolits's improper and inappropriate actions with Plaintiff, JMH 300 DOE.

115. Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, owed a duty of care to all persons, including Plaintiff, JMH 300 DOE, who were likely to come within the influence and contact of Reverend White in his role in Defendant's employ and to ensure that Reverend White did not abuse his authority under Defendant's employ.

116. Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, owed a duty of care to all persons, including Plaintiff, JMH 300 DOE, who were likely to come within the influence and contact of Reverend Orsolits in his role in Defendant's employ and to ensure that Reverend Orsolits did not abuse his authority under Defendant's employ.

117. As a result of the foregoing, Plaintiff, JMH 300 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A THIRD CAUSE OF ACTION

118. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "117" of the Complaint with the same force and effect as fully set forth herein at length.

119. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew or reasonably should

have known that the failure to properly monitor, control, direct, advise, supervise and hire Reverend White, the agent, servant and/or employee who sexually abused Plaintiff, JMH 300 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

120. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise, supervise and hire Reverend Orsolits, the agent, servant and/or employee who sexually abused Plaintiff, JMH 300 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

121. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 300 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

122. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 300 DOE, being sexually abused by Reverend White.

123. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 300 DOE, being sexually abused by Reverend Orsolits.

124. Upon information and belief, despite said knowledge, power and duty, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants

and/or employees, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Reverend White sexually abusing Plaintiff, JMH 300 DOE.

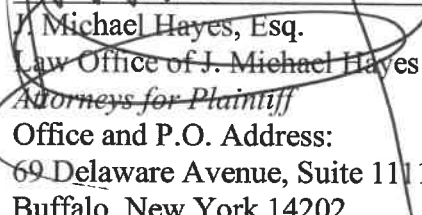
125. Upon information and belief, despite said knowledge, power and duty, Defendant, THE DIOCESE OF BUFFALO, N.Y., its Bishop(s), officers, agents, representatives, servants and/or employees, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Reverend Orsolits sexually abusing Plaintiff, JMH 300 DOE.

126. As a result of the foregoing, Plaintiff, JMH 100 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

WHEREFORE Plaintiff demands judgment in excess of the jurisdictional limits of all the lower courts of the State of New York State of New York together with such other compensatory, punitive and exemplary damages, costs, disbursements and for such other relief as is just and proper and equitable

DATED: BUFFALO, NEW YORK
October 25, 2019

Yours Respectfully,



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